

103 KAR 18:200. Kentucky Industrial Development Act Job development assessment fee.

RELATES TO: KRS 141.400, 154.28-010, 154.28-110

STATUTORY AUTHORITY: KRS 131.130(1), 141.400(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the department to promulgate administrative regulations to administer and enforce Kentucky's tax laws. KRS 141.400(9) authorizes the department to promulgate administrative regulations to require the filing of forms necessary to comply with KRS 154.28-010 to 154.28-090, the Kentucky Industrial Development Act, and the allowable income tax credit that a company may retain under those statutes. This administrative regulation establishes the filing requirements for the assessment authorized by KRS 154.28-100.

Section 1. Definitions. (1) "Annual report" means Form Number 42A812, which is incorporated by reference in 103 KAR 1:050.

(2) "Approved company" is defined in KRS 154.28-010 (5).

(3) "Assessment" is defined in KRS 154.28-010(7).

(4) "Authority" is defined in KRS 154.28-010(8).

(5) "Department" means the Department of Revenue.

(6) "Economic development project" or "project" is defined by KRS 154.28-010(11).

(7) "Gross wages" mean any payment an employer gives an employee for services performed as reported in box 1 of Internal Revenue Service Form W-2, Wage and Tax Statement.

(8) "Inducement" is defined in KRS 154.28-010(15).

(9) "KIDA" means the Kentucky Industrial Development Act, which is codified as KRS 154.28-010 to 154.28-100.

Section 2. Annual Report for Assessment. (1) An approved company that has elected to take assessments as its KIDA project inducement shall file an annual report with the department.

(2) An annual report for the KIDA assessment shall be faxed or mailed to the department on or before March 15 to report wage assessments claimed for the preceding calendar year.

(3) Information required on the annual report shall include:

(a) Business name;

(b) KIDA number assigned by the Cabinet for Economic Development;

(c) Kentucky withholding account number;

(d) Activation date of project;

(e) Total annual gross wages paid to eligible KIDA employees;

(f) Total annual Kentucky KIDA wage assessments claimed; and

(g) Total annual Kentucky tax withheld and reported for all employees.

(4) Information required to be submitted as an attachment to the annual report in a spreadsheet format shall include:

(a) Each eligible employee's name;

(b) Each eligible employee's Social Security number;

(c) Each employee's state of residence;

(d) Annual gross wages per employee;

(e) Annual Kentucky tax withheld per eligible employee; and

(f) Annual Kentucky KIDA wage assessment claimed per eligible employee. (33 Ky.R. 1207; Am. 1521; eff. 1-5-2007.)